

Applicants : Thomas A. McDonald et al
Serial No. : 10/719,865
Confirmation : 3064
Atty. Dkt. : QUA09 P-301
Page : 14

Remarks/Arguments:

Reconsideration of the application as amended is requested.

The Examiner's remarks and cited references have been received and carefully considered. Originally presented claims 1, 5, 8, 17, 21, 25, 26 and 27 have been amended, and new claim 28 has been added.

The Examiner objected to the specification, noting a typographical error at page 11, line 19, with respect to the reference numeral 13. The specification has now been amended to correct this error.

The Examiner objected to the inclusion of the phrases "and the like" and "of the type" in claim 27. While the Applicants believe that these phrases do not render the claim indefinite, claim 27 has been amended to delete both phrases, such that the Examiner's objection is now deemed moot.

The Examiner rejected claims 1-27 under 35 U.S.C. § 103 as being unpatentable over the Baker Patent 6,681,527. More specifically, the Examiner takes the position that,

"Baker shows in figures 1 and 2, a gutter protection system comprising an imperforate cover or top cap 15 with a rearward portion 21 extending along an associated roof, a medial portion 18 extending over an interior portion of an associated gutter, and a curved forward portion 16 (fig. 2), a universal end cap C (see attached figure 2) comprising a general flat, rigid cover panel having an upper edge, a lower edge, and

Applicants : Thomas A. McDonald et al
Serial No. : 10/719,865
Confirmation : 3064
Atty. Dkt. : QUA09 P-301
Page : 15

opposite side edges, and including a substantially rectangular lower portion, a pair of curved nose portions N projecting outwardly from the opposite side edges of the cover panel adjacent the upper edge, a mounting flange V extending along at least a portion of the upper edge of the cover panel, and extending laterally inwardly I [sic] a generally perpendicular relationship with the cover panel.

In regard to claims 1, 2, 4-6, 8, 10-12, 16-19, 21, and 23-26, Baker teaches the structural elements for the gutter cover as discussed above. However, Baker does not teach expressly a retainer such as screw [sic], fastening the mounting flange to the top cap at either one of the opposite ends of the rain gutter debris guard and the end cap has a one-piece construction. As shown in figure 1, the end cap C is one piece and integrated with the top cap 15, therefore, the examiner considers this would have been obvious functional equivalent to have a retainer to fastening [sic] as taught by the applicant.”

For those reasons set forth in detail below, Applicants assert that the Baker reference does not teach or suggest the unique universal end cap and/or method for rain gutter debris guards as set forth in the amended claims.

Amended claim 1 is in Jepson form and recites a rain gutter debris guard having an inclined top cap with a rearward portion extending along an associated roof, a medial portion

Applicants : Thomas A. McDonald et al
Serial No. : 10/719,865
Confirmation : 3064
Atty. Dkt. : QUA09 P-301
Page : 16

extending over an interior portion of an associated gutter, and a forward portion extending adjacent to a front lip portion of the gutter. The associated universal end cap comprises a generally flat, rigid cover panel having an upper edge, a lower edge, and opposite side edges, and includes a substantially rectangular lower portion *sized to extend over either one of the opposite ends of said gutter debris guard and the gutter, and being severable to custom fit said end cap to a wide variety of different gutters.* Furthermore, the rigid cover panel includes a pair of curved nose portions projecting outwardly from opposite side edges of said cover panel adjacent said upper edge thereof, and configured to close off the curved forward portion of the top cap *at either one of the opposite ends thereof.* The rain gutter debris guard further includes a mounting flange extending along at least a portion of the upper edge of the cover panel, and extending laterally inwardly in a generally perpendicular relationship with the cover panel *for attachment to said top cap at either end of the gutter,* and a retainer means for fastening the mounting flange to the top cap *at either one of the opposite ends thereof, such that the end cap encloses one of the opposite ends of the rain gutter debris guard* to prevent debris from entering between the adjacent ends of the gutter and the rain gutter debris guard.

While the Baker Patent 6,681,527 is directed to a gutter protection system, it is quite different in construction from Applicants' disclosed gutter debris guard, and furthermore does not teach or suggest the claimed universal end cap therefor. More specifically, the Examiner takes the position that the flap marked "C" in Exhibit A of the outstanding Office action is

Applicants : Thomas A. McDonald et al
Serial No. : 10/719,865
Confirmation : 3064
Atty. Dkt. : QUA09 P-301
Page : 17

somehow equivalent to Applicants' claimed universal end cap. Applicants believe that this position is not well taken. Initially, Applicants point out that the written specification of the cited Baker '527 patent does not in any way describe the flap "C" referenced in the outstanding Office action. Hence, the only disclosure relating to the same must be derived from the drawings, since this aspect of the Baker gutter protection system is not disclosed in the written specification. Figs. 1, 2, 7, 9 and 10 of the Baker '527 patent show flap "C" in substantially the same configuration, wherein the forward edge of the flap "C" is curved to mate with cover member 15, but the rear edge is not. Rather, the rear edge of the illustrated flap "C" is in the form of a dihedral angle. Consequently, the Baker patent does not disclose a universal end cap which includes a "pair of curved nose portions projecting outwardly from the opposite side edges of said cover panel . . .", as set forth in amended claim 1. Because the Baker '527 flap "C" does not have curved nose portions at opposite side edges thereof, it cannot be used at either end of the gutter, which is another feature clearly recited in amended claim 1.

Furthermore, the Baker flap "C" appears to be fixedly attached to the end of cover member 15 by welding or the like. The Examiner concedes that "Baker does not teach expressly a retainer such as a screw . . ." Hence, the Baker patent does not teach or suggest the use of a separate retainer means for fastening the mounting flange to the top cap at either one of the opposite ends thereof, as is clearly set forth in amended claim 1. Because the Baker

Applicants : Thomas A. McDonald et al
Serial No. : 10/719,865
Confirmation : 3064
Atty. Dkt. : QUA09 P-301
Page : 18

flap "C" lacks two curved nose portions at opposite sides thereof, and a separate retainer means for fastening flap "C" to the top cap at either one of the opposite ends thereof, the same clearly does not teach or suggest the universal end cap recited in amended claim 1, wherein the claimed end cap can be used at either one of the opposite ends of the gutter, thereby reducing manufacturing and installation costs.

The remaining references of record have been carefully examined, and none disclose those features noted above as lacking in the Baker patent.

Claims 2-24 depend directly or indirectly from claim 1, and are believed to be patentable over the prior art for those reasons set forth above in support of claim 1.

Claim 25 is similar to claim 1, except that it is not in Jepson form, and recites a rain gutter debris guard, which incorporates a universal end cap substantially identical to that recited in claim 1. Claim 25 is therefore believed to be patentable for those reasons set forth above in support of claim 1.

Claim 26 is also somewhat similar to claim 1 and recites a universal end cap per se, which incorporates those features noted above in claim 1. Hence, claim 26 is also believed to be patentable over the references of record for those reasons set forth above in support of claim 1.

Claim 27 recites a method for deflecting debris from rain gutters, which includes a universal end cap of the type defined in claim 1. Clearly, neither the Baker reference, nor any

Applicants : Thomas A. McDonald et al
Serial No. : 10/719,865
Confirmation : 3064
Atty. Dkt. : QUA09 P-301
Page : 19

of the other references of record, teach the recited method wherein the universal end cap is severable to custom fit the same to a wide variety of different gutters, and can be used at either end of the rain gutter. Hence, claim 27 is also believed to be patentable over the art of record.

New claim 28 depends directly from claim 1, and is also believed to be patentable over the prior art for those reasons already of record.

Applicants submit that the references of record do not teach or in any way suggest the unique universal end cap and method for rain gutter debris guards as recited in the amended claims. The Baker patent does not teach or suggest those aspects of Applicants' invention which render the same universal, and serve to reduce manufacturing and installation costs. Applicants' claimed invention is directed to problems that are not addressed by any of the prior art references, and solves problems and inconveniences experienced in the prior art, thereby representing a significant advancement in the art. It is therefore respectfully submitted that claims 1-28 should be allowed, since the references, taken singularly or in any combination, do

Applicants : Thomas A. McDonald et al
Serial No. : 10/719,865
Confirmation : 3064
Atty. Dkt. : QUA09 P-301
Page : 20

not teach the universal end cap and method for rain gutter debris guards as set forth in the pending claims. A notice to this effect is earnestly solicited.

Respectfully submitted,

THOMAS A. MCDONALD ET AL

By: Price, Heneveld, Cooper, DeWitt &
Litton, LLP



Carl S. Clark
Registration No. 28 288
695 Kenmoor S.E.
P.O. Box 2567
Grand Rapids, Michigan 49501
616/949-9610

CERTIFICATE OF MAILING

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Carl S. Clark

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Enclosures